



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) .No.947 of 2014

and

M.P. (MD) No.1 of 2015

DR.L. FRANKLIN CASTROL

.. APPELLANT /RESPONDENT

Vs

G.MUTHUKUMARASWAMY

.. RESPONDENT/PETITIONER

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 20.09.2013 passed in MCOP No. 84/2007 on the file of the Principal Motor Accident Claims Tribunal (Principal Subordinate Judge), Nagercoil .

For Appellant

: Mr.F.Deepak

For Respondent

: Mr.S.Meenakshisundaram

JUDGMENT

Aggrieved over the award passed by the Motor Accidents Claims Tribunal, Principal Subordinate Court, Nagercoil, in M.C.O.P.No.84 of 2007, dated 20.09.2013.

2. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent and perused the records.

3. The respondent filed a claim petition against the appellant, alleging that on 23.11.2006, when he was proceeding in his TVS Scooty in Nagercoil, the appellant's car bearing bearing Registration No.TN 74-7905 came in a rash and negligent manner, dashed against the respondent. In that process, he sustained grievous injuries and he was immediately admitted in a hospital for medical treatment. He filed the petition claiming compensation of Rs.2,00,000/-, alleging that the appellant was responsible for the accident.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The appellant resisted the claim petition, disputing the manner of the accident and his liability to pay compensation.



5. Before the Tribunal, the claimant in support of his case examined himself as P.W.1 and Dr.S.Ramaguru was examined as P.W.2 and marked Ex.Ps.1 to 4. The appellant examined himself as R.W.1 and Dr.T.R.Balaji was examined as R.W.2, however, no documentary evidence was marked.

6. P.W.1 has deposed the manner of the accident, as set out in the claim petition. Ex.P.1 is the First Information Report, Ex.P.3 is the report of the Motor Vehicle Inspector, Ex.P.5 is the Observation Mahazar, Ex.P.6 is the Rough Sketch, Ex.P.7 is the charge sheet and Ex.P.8 is the Judgment passed in S.T.C.No.50 of 2007. The Tribunal, relying upon the evidence of the claimant held that the appellant was responsible for the accident.

7. P.W.2 Dr.S.Ramaguru deposed that the claimant has sustained 40% disability. Ex.P.13 is the disability certificate and Ex.P.14 is X-Ray. P.W.1 has produced Ex.P.9(series) medical prescriptions and Ex.P.10(series) medical bills. The Tribunal accepting the evidence of P.W.2 and based on the evidence produced by the claimant, awarded Rs.67,454/- together with interest at 7.5% p.a.

8. This Court is of the opinion that the award passed by the Tribunal is fair and reasonable, which does not warrant interference by this Court.

9. **In fine**, the award passed by the Tribunal dated 20.09.2013 is confirmed and the appeal is dismissed. In view of the dismissal of the appeal, the appellant is directed to deposit the entire award amount along with accrued interest and costs to the credit of M.C.O.P.No.84 of 2007, Motor Accidents Claims Tribunal, Principal Subordinate Court, Nagercoil, within a period of eight weeks from the date of receipt of the copy of this Judgment.

10. On such deposit being made, the claimant is permitted to withdraw the entire award amount along with accrued interest and costs, without filing any formal petition before the Tribunal. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

pmu



To

1 The Principal Motor Accident Claims Tribunal,
Principal Subordinate Court,
Nagercoil.

2 The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.S.MEENAKSHI SUNDARAM, Advocate, Sr.No: 39676

JAM/SS 2/15.09.16/ 3P-4C

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